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5		
6	UNITED STATES DISTRICT COURT	
	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
7	SAN FRANCISCO DIVISION	
8		
9   0	CEDRIC BRADY, DR. CHARLES HOVDEN, MARION HOVDEN,	) ) Case No.: 3:08-CV-05746-SI
1	DR. EUGENE KREPS, DR. JOHN	)
	McNAMARA, DR. HISAJI SAKAI, and	)
2	JEAN SAKAI, Individually and On Behalf Of All Others Similarly Situated,	STIPULATION AND PROPOSED
3	·	ORDER EXTENDING TIME TO RESPOND TO THE MOTION TO
4	Plaintiffs,	) DISMISS
5	v.	)
6 7	CONSECO, INC. and CONSECO LIFE INSURANCE COMPANY,	) ) )

4			
4 Acti 5 6 7 Con 8 for 1 9 10 wee 11 be s 13 14 that 15 Con 16 the 1 17 18 19 Date 20 21 22 23 Date 24 25 26 Date 27	WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Charles Hovden, Marion		
5   Acti 5   6   7   Con 8   for 1 9   10   wee 11   12   be s 13   14   that, 15   Con 16   17   18   19   Date 20   21   22   23   Date 24   25   26   Date 27	Hovden, Eugene Kreps, John McNamara, Hisahi Sakai and Jean Sakai ("Plainitffs") filed a Cla		
6   Com 8   for 1 9   10   wee 11   be s 13   14   that, 15   Com 16   the 1 17   18   19   Date 20   21   22   23   Date 24   25   26   Date 27   Date	Action Complaint against Conseco, Inc. and Conseco Life Insurance Company ("Defendants").		
7   Con 8   for 1 9   10   week 11   12   be s 13   14   that 15   Con 16   the 1 17   18   19   Date 20   21   22   23   Date 24   25   26   Date 27   Date 27   Date 3   Dat	WHEREAS on March 6, 2009, Defendants filed a Motion to Dismiss the Plaintiffs'		
9 wee 11 wee 12 be s 13 14 that 15 Con 16 the 1 17 18 19 Date 20 21 22 23 Date 24 25 26 Date 27	Complaint. The Plaintiffs' response is currently due April 10, 2009, and a hearing is scheduled		
10 week 11 lbe s 12 lbe s 13 lthat, 15 Con 16 lbe s 17 lbe lbe s 16 lbe s 17 lbe lbe s 17 lbe lbe lbe s 18 lbe lbe s 18 lbe	for May 1, 2009.		
wee be s  11 that 12 be s  13 that 15 Con 16 the 17 l8  19 Date 20 21	WHEREAS Plaintiffs have requested and Defendants have agreed to extend by two		
be s  that  that  from the l  Date	weeks the date on which the Plaintiffs' response will be due and the date on which a hearing wi		
13	scheduled.		
14 that, 15 Con 16 the 1 18 19 Date 20 21 22 23 Date 24 25 26 27 Date		AGREED by and between the undersioned	
15   Con the 1   17   18   19   Date 20   21   22   23   Date 25   26   27   Date 27	IT IS THEREFORE STIPULATED AND AGREED, by and between the undersigned, that, subject to this Court's approval, Defendants will move this Court to dismiss the Plaintiffs' Complaint on May 15, 2009, or as soon thereafter as the matter may be heard, and accordingly,		
16   the 1   17   18   19   Date 20   21   22   23   Date 25   26   27   Date 27   Dat			
17 18 19 Date 20 21 22 23 Date 24 25 26 27 Date			
19 Date 20 21 22 23 Date 24 25 26 27 Date	Plaintiffs response to the Motion to Dismiss w	vill be due on or before April 24, 2009.	
20   21   22   23   Date 24   25   26   27   Date			
21   22   Date 23   Date 24   25   Date 27   D	ed: March 27, 2009	Millstein & Associates	
22   Date 23   Date 24   25   Date 27   Date 2		By: /s/ David J. Millstein David J. Millstein	
23 Date 24 25 26 27 Date		Attorneys for Plaintiffs	
24 25 26 27	red: March 27, 2009	Gilbert Oshinsky LLP	
25   Date 27   Date	cd. Watch 27, 2009	By: /s/ August J. Matteis Jr.	
26 Date		August J. Matteis Jr. Attorneys for Plaintiffs	
27	1.14 1.27 2000		
28	red: March 27, 2009	Skadden, Arps, Slate, Meagher & Flom LL	
		By: /s/ David S. Clancy David S. Clancy Attorneys for Defendants	

**ATTESTATION PURSUANT TO GENERAL ORDER 45** I, Benjamin R. Davidson, am the ECF User whose ID and password are being used to file this Stipulation Extending Time to Respond to the Motion to Dismiss. In compliance with General Order 45.X.B, I hereby attest that the concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27th day of March 2009, at Washington, DC. By: /s/ Benjamin R. Davidson Benjamin R. Davidson PURSUANT TO STIPULATION IT IS SO ORDERED Juan Illaton Dated: By: Hon. Susan Illston